

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W. SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	
)	DATE: September 22, 2006
Ward Seven Democrats)	
Kevin Anderson, Treasurer)	DOCKET NO.: 06P-026
4700 Blaine Street, NE)	
Washington, D.C. 20019)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division that the Ward Seven Democrats (hereinafter respondent PAC), for whom Kevin Anderson serves as treasurer (hereinafter respondent treasurer), failed to timely file, on or before June 12, 2006, a June 10, 2006 Report of Receipts and Expenditures (hereinafter June 10, 2006 Report), as required by D.C. Official Code § 1-1102.06(a) (2001 Edition).

By Notices of Hearings, Statements of Violations and Orders of Appearance dated June 20, 2006 and July 5, 2006, OCF ordered Kevin Anderson to appear at scheduled hearings on June 28, 2006 and July 13, 2006; and, show cause why the respondent PAC should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code § 1-1101.01 et seq. and fined accordingly.

Summary of Evidence

OCF alleges that the respondent PAC failed to timely file the statutorily required June 10, 2006 Report on or before the due date of June 12, 2006.

On July 12, 2006, the respondent treasurer submitted a notarized written statement in lieu of appearing at the scheduled hearing. The respondent treasurer stated that the June 10, 2006 Report was not timely submitted to OCF because he was on travel, out of the country as a result

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of his recent marriage, during the period that preparation and submission of the report would have normally occurred. Respondent treasurer also stated that as soon as he returned to the area and discovered that the report was delinquent, he submitted the document to OCF.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent PAC registered with OCF on April 15, 2006.
2. Respondent PAC was required to file a June 10, 2006 Report on or before June 12, 2006 in accordance with D.C. Official Code §1-1102.06(a).
3. Respondent PAC filed a June 10, 2006 Report with OCF on July 10, 2006.
4. Respondent PAC has no prior filing history.
5. Respondent PAC is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent PAC violated D. C. Official Code §1-1102.06(a).
2. The penalty established at D. C. Official Code §1-1103.5(b) (3), 3DCMR §§3711.2(f), 3711.3 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code § 1-1102.06 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.5(b) (3), the respondent PAC may be fined a maximum of \$850.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent treasurer's explanation regarding his travel outside of the area due to his marriage, and respondent PAC's status as a recent registrant with no prior filing history with OCF, warrant favorable consideration.

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Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the fine of \$850.00 that could be imposed against the Ward Seven Democrats, for failing to timely file a June 10, 2006 Report of Receipts and Expenditures.

Date

William O. Sanford
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$850.00 that could be imposed against the Ward Seven Democrats for failing to timely file a June 10, 2006 Report of Receipts and Expenditures, in violation of D.C. Code §1-1102.06(a) is hereby suspended.

DATE

Cecily E. Collier-Montgomery
Director

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

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NOTICE

Pursuant to 3 DCMR § 3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing order.

April Williams
Clerk